

REMARKS

By this response, claims 24-34, 38-39, 41, 43-45 and 47-48 are pending. Claims 35-37, 40, 42 and 46 are cancelled. Claims 24, 25, 35, 41, 47 and 48 are presently amended and all pending claims presently stand rejected.

As a preliminary matter, the objections to the drawings under 37 CFR 1.83(a) are now moot in light of the cancellation of claims 35-37, 40, 42 and 46. The features referenced by the Examiner are not found in the remaining pending claims. Further, claims 25, 34, and 41 are presently amended to overcome the objections raised by the Examiner based solely on informalities in the respective claims.

The Examiner has further rejected claims 24-35, 38-44, 47 and 48 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,308,663 to Philen et al. For purposes of this response, dependent claims 25-35, 38-44 and 45-46 may stand or fall together with claim 24. Accordingly, no discussion of U.S. published Patent App. No. 2002/0040690 to Ganz or U.S. Patent No. 5,732,660 to David et al. is included.

As shown above, independent claims 24, 47 and 48 have been amended to more clearly patentably distinguish over the cited prior art. In this regard, the claim is amended to highlight the physical structure of Applicant's novel restraint, i.e., a belt having first and second belt ends wherein the length of the belt from the first end to the second end is the same as or greater than the girth of the animal, as opposed to relying solely on the functional language in the original claim which read "the minimum girth position being substantially similar to that of the girth of the animal such that there is an absence of a choking of the animal's girth."

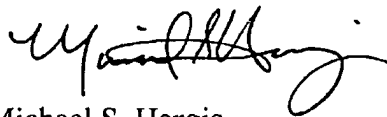
As more clearly described in these amended claims, Applicant's restraint is designed to avoid any choking of the animal being restrained (*see e.g.*, Page 3, lines 5-8 and page 7, lines 2-7). To the contrary, the '663 patent to Philen et al. teaches the use of separate attachments for the collars therein to permit a first, choking/training mode of operation, and a second, non-choking/walking mode (*see e.g.*, Col. 3, line 62 - Col. 4, line

7). Furthermore, the '663 patent does not describe specific lengths for the chain-link reducing region of the collars depicted. In fact, the collars of the '663 patent would allow significant reduction in their diameters when fitted to a girth of an animal and used in the training mode of operation. To the contrary, the restraints as now claimed in the present application reduce the amount of discomfort, pain, and injury to an animal, relative to the collar in the '663 patent. For at least these reasons, the Applicant submits that independent claims 24, 47 and 48, and those claims that depend therefrom, are neither anticipated nor rendered obvious by the '663 patent.

As such, the Applicant has addressed all of the issues presented in the Office action and it is respectfully submitted that the case is in condition for allowance. In the event that some unforeseen point still remains in order to obtain allowance of all claims, it is respectfully requested that the Examiner contact Applicant's attorney by telephone so that the final allowance may be expedited. *To the extent any fees are due, although none are believed due, the undersigned authorizes their deduction from Deposit Account No. 11-0978.*

Respectfully submitted,

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